



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/031,227      | 05/06/2002  | Luis Arcos-Rodriguez | 449122019400        | 6186             |

25227 7590 06/15/2005

MORRISON & FOERSTER LLP  
1650 TYSONS BOULEVARD  
SUITE 300  
MCLEAN, VA 22102

EXAMINER

ROSWELL, MICHAEL

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2173

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/031,227

Applicant(s)

ARCOS-RODRIGUEZ ET AL.

Examiner

Michael Roswell

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 May 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20021118, 20020117
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11, 13, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Slotznick (US Patent 6,011,537).

Regarding claim 1, Slotznick teaches supplying information configured as a first element and a second element, the first element configured in a separate space from the second element, for simultaneous display on the same screen page (taught as the accessing and downloading of information in the form of pages, at col. 6, lines 28-32, where pages contain both primary and secondary data, at col. 8, lines 51-52), separating the first element and the second element, and displaying the first element and second element on a screen at separate times (taught as the display of only primary data on a first virtual page, and secondary data on a second virtual page, at col. 9, lines 24-30).

Regarding claim 2, Slotznick teaches the information being supplied from a network, taught as the downloading of data from the Internet, at col. 1, lines 28-31.

Regarding claim 3, Slotznick teaches the first element being advertising information, taught as the use of advertisements as secondary information, at col. 24, lines 28-32.

Regarding claim 4, Slotznick teaches the display changing between the first element and the second element whenever a predetermined time period has elapsed, taught as the display of a second virtual page after the display of a first page for a pre-specified time, at col. 9, lines 43-50.

Regarding claim 5, Slotznick teaches the display changing between the first and second element depending on a change of state on a terminal associated with the screen, taught as the change of state inherently present in a user action for the display of the second element, such as the selection of a page or actuation of a key, at col. 9, lines 30-36.

Regarding claim 6, Slotznick teaches the display changing between the first element and the second element depending on at least one of actuation of a key associated with the terminal, a change in position of the terminal, and actuation of a touch screen, as taught at col. 9, lines 30-36.

Regarding claim 7, Slotznick teaches no further changes taking place during a predetermined time period after the display has changed depending on a change of state, taught as the user control over the display of secondary information for a time period determined by the user, at col. 13, lines 16-19.

Regarding claim 8, Slotznick teaches a screen and control unit which controls the display on the screen, where information configured as a first element and a second element, the first element configured in a separate space from the second element, for simultaneous display on the same screen page is supplied to the control unit (taught as the accessing and downloading of information in the form of pages, at col. 6, lines 28-32, where pages contain both primary and secondary data, at col. 8, lines 51-52), the control unit separating the first and second elements from one another and prompting the screen to display the first and second elements at separate times (taught as the display of only primary data on a first virtual page, and secondary data on a second virtual page, at col. 9, lines 24-30).

Regarding claim 9, Slotznick teaches the first element being advertising information, taught as the use of advertisements as secondary information, at col. 24, lines 28-32.

Regarding claim 10, Slotznick teaches the display changing between the first element and the second element whenever a predetermined time period has elapsed, taught as the display of a second virtual page after the display of a first page for a pre-specified time, at col. 9, lines 43-50.

Regarding claim 11, Slotznick teaches a key sensor configured for detecting actuation of a key associated with the terminal, where, when the key is actuated, the control unit prompts the screen to change between display of the first element and display of the second element, taught as a user action for the display of the second element, such as the selection of a page or actuation of a key, at col. 9, lines 30-36.

Art Unit: 2173

Regarding claim 13, Slotznick teaches a key being provided for changing over between display of the first element and display of the second element, taught as the use of commands for requesting the display of primary or secondary data, taught at col. 21, lines 60-64, and col. 22, lines 37-46. Slotznick teaches the actuation of a key for issuing such commands, at col. 9, lines 30-36.

Regarding claim 14, Slotznick teaches a timer which can be reset by the control unit and outputs a time base signal to the control unit, wherein when a predetermined time period has elapsed, the control unit prompts the screen to change between display of the first element and display of the second element on the basis of the time base signal, taught as the display of a second virtual page after the display of a first page for a pre-specified time, at col. 9, lines 43-50. Inherently, the timer must be reset for each instance of the disclosed automatic display.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slotznick and Barkan et al (US Patent 5,656,804), hereinafter Barkan.

Slotznick teaches a terminal capable of receiving first and second elements of the same display page, separating the elements, and displaying them at separate times. Furthermore,

Art Unit: 2173

Slotznick teaches changing from the display of the first element to the display of the second element and vice versa in response to a user command or a change in state.

However, Slotznick fails to explicitly teach a position sensor configured for detecting a change in the position of the terminal, where, when a change in the position of the terminal is detected, the control unit prompts the screen to change between display of the first element and display of the second element.

Barkan teaches an apparatus for sensing the motion of a portable terminal. Slotznick at col. 6, lines 42-53 teaches the use of portable devices for the display of primary and secondary information. Further, Barkan teaches the carrying out of a command in relation to a change in position of a portable terminal, at col. 4, lines 58-67 through col. 5, lines 1-5.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Slotznick and Barkan before him at the time the invention was made to modify the user commands for changing a displayed element of Slotznick to include the orientation-dependent function execution of Barkan, in order to obtain a system where switching between a first and second displayed element is based on the position of a portable terminal.

One would have been motivated to make such a combination for the advantage of quickly switching from one displayed element to another without the use of interface buttons or other inputs to provide switching convenience to a user. See Barkan, col. 3, lines 58-61.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art made of record relates to display element filtration and the state of the art in general.

Art Unit: 2173

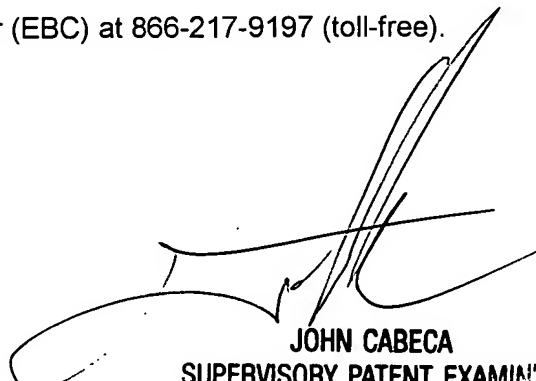
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055.

The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell  
6/9/2005



**JOHN CABECA**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2173